

# Gainesville Daily Sun.

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GAINESVILLE, FLORIDA, SUNDAY, MAY 9, 1909

TEN CENTS A WEEK

## YOUNG MEN'S FATE IN HANDS OF JURY

### Judge Wills May Receive Verdict in Bexley-Osteen Case Today Should Jury Agree.

The last day of the first week of the Circuit Court convened at 8:30 o'clock Saturday morning, Judge Wills presiding.

A number of witnesses were introduced by the defense in the matter of proving an alibi for the defendants, principal among which were the following:

**Mrs. Tabb,**

grandmother of Wm. A. Bexley, took the stand. Stated her relation to the defendant. Said she was at the Bexley home on the night of July 29, 1908. Will Bexley came to supper about 7 o'clock. Witness described location of rooms in house. Will Bexley's room was adjoining one of her daughter, Mrs. M. A. Bexley, who was ill, and witness was attending her. Leaving the patient's room she went into her own, saw Bexley in his room, and talked to him several moments. This was about 10 o'clock. Witness described various locations in vicinity of the Bexley home, by aid of the map.

**Stella Bexley,**

sister of Wm. A. Bexley, stated her relation. Was in High Springs on night of Moreland's murder, and at the home of her parents, where Will Bexley also resided. Witness stated that Bexley was at home at 10 o'clock on the evening of July 29, and did not leave the house afterwards until taken by the officer.

On cross-examination, witness stated that she was positive her brother did not leave his room after 10 o'clock, as she was in her grandmother's room adjoining a great deal of the time, and was aware of his presence. She also passed through his room upon one occasion and went onto the back porch to get some water, when she observed him in bed. Witness had not retired when officers came after him.

**Roscoe Osteen,**

brother of Truby Osteen, was in High Springs on the night of July 29, 1908, and stated that he was at his home, and that Truby Osteen came home at 10:15 o'clock, and never left since until the officer called for him. Did not appear to be excited or fatigued.

Cross-examination: Witness had not been home previous to 10 o'clock that night. Knew the time Truby Osteen came in, as his mother asked the time of night, and he looked at

his watch. Officers came about thirty or thirty-five minutes after Truby Osteen's arrival home, and after he (Truby) had retired. Witness, Truby Osteen and two other brothers slept in the same room.

**Lester Osteen,**

another brother of Truby Osteen, stated that he reached home about 9:50 o'clock on the night of July 29, 1908, and retired. Truby Osteen came in about 10:15. Witness had not gone to sleep. Truby Osteen did not appear excited or unduly exerted. Witness slept in the same room with Truby Osteen. Truby did not leave the room after about 10:15, until the officers arrived, which was between 11 and 11:30 o'clock.

Witness could not remember whether or not he testified in habeas corpus proceedings as to the time he came in, and the time Roscoe Osteen came in.

**Jesse Osteen,**

the third brother of one of the defendants, slept in the same room with said defendant. Witness got home about 8 o'clock and went to bed. His testimony corroborated that of Roscoe and Lester Osteen.

**Mrs. Osteen,**

mother of Truby Osteen, was next placed on the stand. Stated relation. Witness remembered well the night of the murder of Moreland. Truby Osteen came home about 10:15 o'clock. Witness heard him when he came in, and saw him just after. Knew the time, because he husband was sick and she was giving him medicine. For that reason she ascertained the time from Roscoe Osteen, Marshal Bryant, Mr. Brown, and another gentleman came to the house about an hour later, found Truby Osteen at home in bed, and placed him under arrest.

**D. Roland**

was in High Springs on night of July 29, 1908, and heard shot which killed Moreland. Saw Will Bexley a few moments before the shot. Was passing Bexley's home and saw Will Bexley standing in a room in the house. There was a light in the room, and he positively recognized Bexley. Witness was on his way home, and by aid of the map, indicated the route he traveled from Setzer's store to his home.

A rigid cross-examination by State

Attorney Rivers had a tendency to excite the witness considerably. Had no interest in result of this case. Had not received any compensation to testify, neither had he been promised anything.

Witness testified in habeas corpus proceedings.

"When did you first find out that you were to be witness in this case?" Did not know until he was summoned.

Witness could not remember whether or not he testified at habeas corpus proceedings that he had told anyone he had seen Bexley just before the shooting on the night of July 29, 1908.

Counsel for defense retired from 11 to 11:30 for consultation, and jury was given a little chance to exercise, taking a walk.

**J. P. Philpot**

was called. Objection by State overruled, and witness sworn. Witness knew Geo. W. Livingston, deputy sheriff. Was with Mr. Livingston, Night Marshal Griner and others when they searched for tracks on morning of July 30.

Witness was shown map, and indicated route taken by them. Saw tracks they were following. There were two tracks. One track appeared to be made by a woman's shoe. Could not say, but would take it to be a walking track. The other appeared to be made by a man's shoe.

On cross-examination, witness said he judged the tracks about two feet apart.

Witness stated that he arrived in the city Friday morning. When asked by Attorney Rivers if he had not talked with Judge Bexley about the case on Friday, witness replied that he had not, except that Judge Bexley asked him if the tracks still appeared fresh to him, when he (witness) replied that they did.

"Was you not talking to Judge Bexley about the case before you talked to me yesterday morning, and were you not interrupted by the approach of Mr. Livingston?" asked the State Attorney.

"I was not," was the reply.

**Reputation Was Good.**

J. Alwood, mayor of High Springs, was recalled, and testified that reputation of defendants was good as far as he knew.

David Merchant was sworn and testified as to the reputation of both defendants.

**Peeler Easterlin,**

another youthful witness, was shown the map, and designated the house in which he lived. He was at home when shot was fired on the night of July 29, when Moreland was killed. Had just come in from down town, when he heard report of pistol. After report of pistol some person ran through the back yard at his home, but he could not recognize the person. Went to the scene of the homicide.

**Mrs. Mizelle**

is a stenographer, and took testimony in the inquest proceedings over the murder of W. H. Moreland. Tom E. Mixon did not testify at this hearing.

**J. W. Patton Recalled.**

J. W. Patton, civil engineer and surveyor who prepared the map in evidence, was called to verify same as regards scale, distance, obstructions, etc. The examination was lengthy, after which court adjourned for the noon hour.

**Afternoon Session.**

Court convened at 2:15 o'clock, pursuant to adjournment of noon.

State Attorney Rivers asked permission to confer with some witnesses which was granted.

**Z. S. Floyd.**

The first witness in the afternoon was Z. S. Floyd. Witness remembered the night of the murder of Moreland. Was in High Springs that night, and called at Judge Bexley's home. Was in company of Mrs. Setzer, Bexley. Was there from three o'clock of an hour to an hour and

## HOUSE KILLS BEARD'S DISFRANCHISEMENT BILL

### Vote Was 34 to 21 in Favor of Measure But 42 Votes Necessary for Passage.

Special to The Sun.

TALLAHASSEE, May 8.—Senator Beard's suffrage amendment which passed the Senate last week by a vote of 20 to 10 failed of passage in the House this afternoon by a vote of 34 for to 21 against, forty-two votes being necessary to its passage.

The vote on the proposition was taken immediately upon the conclusion of Senator Money's argument in favor of the bill. Senator Money of Mississippi was invited to address the body upon the merits of the measure, and made an earnest appeal in behalf of its passage.

Representative Duke voted against the bill. Judge Carter was absent on committee duty.

The resolution contained the clause:

"Every white male person of the age of 21 years and upwards, who shall at the time of registration be a citizen of the United States," etc., "shall be deemed a qualified elector at all elections under this constitution," which language is directly in conflict with the fifteenth amendment to the Federal constitution.

**Committee Coming to Gainesville.**

The joint Senate and House committee appointed to visit the State educational institutions will go to St. Augustine to inspect the Institute for the Deaf, Dumb and Blind on Monday, and will spend Tuesday and Wednesday in Gainesville inspecting the University of Florida.

## SENSATION SPRUNG IN HOUSE BY ROBERSON

### Admitted That Certain Members Had Organized to Oppose Passage of Further Amendments.

TALLAHASSEE, May 8.—The feature of the session of the Lower House yesterday was the admission that certain members had banded themselves together to vote against any further amending of the constitution, because a complication of such amendments on the ballot might lessen the chances for the carrying in the election in 1910 of the amendment looking to State-wide prohibition.

Mr. Roberson, who had incidentally referred to the agreement, to which he was a party, finally read it, and, under pressure, also read the names of those who had signed it.

After a fight, the House ordered that this information be spread on the Journal.

Mr. Smith having given notice, he moved to reconsider the vote by which House Joint Resolution No. 150, to keep out the negro vote by educational qualifications. Mr. Smith made his speech of the session in support of his resolution. With tears in his voice he pleaded for white supremacy. Mr. Smith alluded to the petition which Mr. Roberson had admitted signing Thursday, which petition promised that the undersigned would vote for no constitutional amendment during this session, the purpose of this being to protect the prohibition amendment.

Mr. Roberson rose and said yes, that he had signed it and would read it, which he did, and upon pressure brought upon him he read all of the names which appear below as signing such a petition: Pattishall, Roberson, Wiggins, Richardson, Brown, Miller, Cowan, Lodges, Duke, Padden, McCaskill, Knight, Kelly, Boland, Page, Carr, Light, Oelrich, Gledhill, Hutto, Alexander, Moore and Cox.

**Carter and Broward.**

By a vote of 8 to 21 the House last night declined to adopt the minority report offered by Representative MacWilliams of St. Johns, and containing a resolution concerning the Trustees of the Hospital Improvement Fund and the payment of the franchise fees. The action of the House followed upon a speech lasting for over two hours, and offered by former Governor N. B. Broward by invitation

of the House. The address was forceful and clear, and the former Governor replied to every question asked him.

The sensation of the session was when in reply to many questions the former Governor stated that Syd L. Carter, Representative from Alachua and chairman of the Internal Improvement Investigating Commission, had written him a letter asking to be appointed special counsel for the trustees. This coupled with the statement made by the Governor that Mr. Carter wrote that portion of the report which criticizes the attorney's fees paid, created some kind of a sensation.

Mr. Broward refused to give the letter in full until Mr. Carter could be present to reply.

All the afternoon the House wrangled over the MacWilliams resolution. Mr. Carter spoke much of the afternoon and resumed in the evening for an hour. He then left the hall to leave on a train with a legislative committee.

Immediately after Mr. Carter had finished speaking, resolutions were adopted inviting the former Governor to come in and address the House on the question. He was greeted by applause when he entered the hall, and was escorted to the speaker's stand.

Speaker Pro Tem Stokes resolved the House into a committee of the whole, and then called Representative James Alexander of Volusia to the chair.

Mr. Broward clearly outlined the action of the trustees regarding Mr. Jennings and forcefully defended himself against all charges made regarding the paying out of the fees.

Mr. MacWilliams during the evening referred to the fact that he had voted for Mr. Broward for United States Senator, and that therefore his action regarding the minority report was in accordance with his sense of duty, and not from any personal prejudice whatever.

The statement was brought out that State Treasurer Knott on two or more occasions voted against the payment of certain fees.

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## Senate Passes Anti-Racing Bill to Third Reading

TALLAHASSEE, May 8.—Despite a stiff fight by Senator Buckman of Jacksonville, the Senate yesterday afternoon passed the Sloan anti-race track gambling bill from second to third reading by refusing to indefinitely postpone the measure by a vote of 20 to 1.

Voting with Senator Buckman were Senators Harris, McQuinn and Sims. Senator Sloan made a strong speech in behalf of his measure.

Senator McMillen was backed with resolutions from the Tampa city council and letters and telegrams from business men of Tampa and Hillsboro county protesting against race track gambling and urging the passage of the bill. Among them were several prominent Hillsboro sports officials.

The entire afternoon was spent in

the discussion of the measure before the vote was finally taken and Mr. Buckman put up as thorough a fight as he possibly could.

When it was certain that the bill would be passed anyhow, he endeavored to insert an amendment including bridge whist. This was turned down along with all of his other amendments, however. He tried at first to have the consideration of the bill, which was rejected afterwards by the committee, put off until next week.

The Senate also passed to third reading the bill by Senator Legett appropriating \$150,000 for the benefit of public schools in the State, which requires an attendance of over 50 percent.

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